



## AGENDA

### BERKELEY CITY COUNCIL MEETING

**Tuesday, May 23, 2023**  
**6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.*

*Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at [http://berkeley.granicus.com/MediaPlayer.php?publish\\_id=1244](http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244).*

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1604260018>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 426 0018** If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

### Roll Call:

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

**City Manager Comments:** *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

**Public Comment on Non-Agenda Matters:** *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

## Consent Calendar

*The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".*

*No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.*

*For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

**Public Comment on Consent Calendar and Information Items Only:** *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

*Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.*

## **Consent Calendar**

- 1. Adding BMC Chapter 13.107, Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS) Ordinance**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a second reading of Ordinance No. 7,861-N.S. adding Chapter 13.107 to the Berkeley Municipal Code establishing healthcare and apprenticeship standards for private development.  
**First Reading Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Robinson, Humbert, Arreguin; Noes – None; Abstain – Kesarwani; Absent – Wengraf.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 2. Amendment: FY 2023 Annual Appropriations Ordinance**  
**From: Sharon Friedrichsen, Budget Manager**  
**Recommendation:** Adopt second reading of Ordinance No. 7,862-N.S. amending the FY 2023 Annual Appropriations Ordinance No. 7,851–N.S. for fiscal year 2023 based upon recommended re-appropriation of committed FY 2022 funding and other adjustments in the amount of \$27,940,780 (gross) and \$29,658,924 (net).  
**First Reading Vote:** All Ayes  
**Financial Implications:** See report  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

## Consent Calendar

- 3. Resolution of Intention to Amend the Miscellaneous CalPERS Contract to Effectuate PEPRA Cost Sharing Agreements**  
**From:** Aram Kouyoumdjian, Human Resources  
**Recommendation:** Adopt second reading of Ordinance No. 7,863-N.S. amending the City's contract with CalPERS to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Harrison.  
**Financial Implications:** See report  
**Contact:** Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 4. Appointment of Emergency Standby Officers for City Council District 8 and District 2**  
**From:** City Manager  
**Recommendation:** Adopt a Resolution confirming the appointment of newly nominated standby officers for City Council District 8 and City Council District 2 to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 70,073-N.S.  
**Financial Implications:** None  
**Contact:** Mark Numainville, City Clerk, (510) 981-6900
- 5. Minutes for Approval**  
**From:** City Manager  
**Recommendation:** Approve the minutes for the Council meetings of April 11 (regular), April 13 (closed), April 17 (closed) and April 25 (special and regular).  
**Financial Implications:** None  
**Contact:** Mark Numainville, City Clerk, (510) 981-6900
- 6. Police Accountability Board – Appointment of New Members**  
**From:** City Manager  
**Recommendation:** Adopt a Resolution appointing new members to the Police Accountability Board nominated by Councilmember Humbert and Councilmember Hahn.  
**Financial Implications:** See report  
**Contact:** Mark Numainville, City Clerk, (510) 981-6900

## Consent Calendar

- 7. Assessments: Telegraph Property Based Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Telegraph Property Based Business Improvement District (TBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council's intention to levy an annual assessment for the TBID for FY 2024.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 8. Assessments: Berkeley Tourism Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Annual Planning Report and preliminary budget for Fiscal Year 2024 (FY24) for the Berkeley Tourism Business Improvement District (BTBID) as recommended by the BTBID Owners' Association.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 9. Assessments: North Shattuck Property Based Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the North Shattuck Property Based Business Improvement District (NSBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council's intention to levy an annual assessment for the NSBID for FY 2024.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 10. Assessments: Downtown Berkeley Property Based Business Improvement District**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the Downtown Berkeley Property Based Business Improvement District (DPBID) Annual Report of Fiscal Year (FY) 2023 and proposed budget for FY 2024, and declaring Council's intention to levy an annual assessment for the DPBID for FY 2024.  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

## Consent Calendar

- 11. Contracts: On-Call Fine Art Services Providers for the Public Art Collection**  
**From: City Manager**  
**Recommendation:** Adopt four Resolutions authorizing the City Manager to execute contracts and any amendments with the following companies for on-call fine art services for the City of Berkeley's Public Art Collection, for contract periods of July 1, 2023 through June 30, 2026:

  1. Atthowe Fine Art Services, for an amount not to exceed \$200,000.
  2. Kala Art Institute, for an amount not to exceed \$100,000.
  3. Preservation Arts LLC, for an amount not to exceed \$200,000.
  4. ShipArt International (DBA UOVO), for an amount not to exceed \$100,000.

**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 12. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 23, 2023**  
**From: City Manager**  
**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.  
**Financial Implications:** Various Funds - \$1,907,987  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 13. Contract No. 32000164 Amendment: Synthesis Group, Inc. dba Minuteman Press Contract for Citywide Copying & Printing Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend and extend the City's contract with Minuteman Press, Contract No. 32000164, through January 31, 2025, and to approve additional appropriations related for performance of this contract. Original contract term was for three (3) years, with two (2) renewal years. The City is exercising the contractual renewal years.  
**Financial Implications:** \$975,000.  
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 14. Contract: Stella Courier, LLC. for Mail Services and Mail Room Coverage**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a contract with Stella Courier, LLC., for providing mail services to the City's satellite locations, and as-needed mail room coverage.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300

## Consent Calendar

### 15. Notice of Appropriations Limit for Fiscal Year 2024

**From: City Manager**

**Recommendation:** Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2024 at its meeting of June 27, 2023; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 9, 2023.

**Financial Implications:** See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300

### 16. Contract No. 9367 Amendment: Banking Services with Wells Fargo Bank

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to continue the work of de-bundling the banking services with Wells Fargo and exercise a four (4)-year extension through May 31, 2027 for Contract No. 9367, in the amount of \$3,000,000, to ensure business continuity as the City completes the next phase of the ERP implementation which includes accounts receivable/general billing (AR/GB) modules. This will also allow adequate time to continue pursuing the effort to determine alternative banking and related services solutions.

**Financial Implications:** See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300

### 17. Piggyback Contract – Data Ticket for Administrative Citation Processing

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments which align with the City of Downey's existing contract and any amendments, with Data Ticket to provide Administrative Citation Processing from May 1, 2023 until September 21, 2025 in an amount not to exceed \$100,000 with an option to extend for an additional three (3), one (1) year terms in alignment with the City of Downey contract for a total contract value not to exceed \$300,000 (May 2023 through September 2028).

**Financial Implications:** See report

Contact: David Sprague, Fire, (510) 981-3473, Peter Radu, City Manager's Office, (510) 981-7000

## Consent Calendar

18. **Revenue Grant Agreements: Funding Support from the State of California and Alameda County to Conduct Public Health Services**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California and Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services and to support the City's public health infrastructure:  
1. Tuberculosis Control Program, in the projected amount of \$14,000 for Fiscal Year (FY) 2024 from the State of California.  
2. Public Health Infrastructure Program, in the projected amount of \$32,080 for FY 2024 from Alameda County.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
19. **Contract: JSI Research and Training Institute, Inc. for California Home Visiting Program Planning Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with JSI Research and Training Institute, Inc. (JSI) for California Home Visiting Program Planning Consulting Services. The contract will be in an amount not to exceed \$200,000 for the period July 1, 2023 through January 31, 2024.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
20. **Contract No: 32300104 Amendment: Village of Love to Operate the Telegraph Neighborhood Sacred Rest Drop-In Center**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager, or her designee to execute an amendment to Contract No. 32300104 with Village of Love to add \$250,000 for a total contract amount not to exceed \$500,000 for services and operations at the Telegraph Neighborhood Sacred Rest Drop-In Center, and extend the contract term through May 31, 2024.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
21. **Contract No. 32300144 Amendment: Resource Development Associates for Specialized Care Unit Evaluation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32300144 with Resource Development Associates (RDA) to add \$85,000 for a not-to-exceed amount of \$235,000.  
**Financial Implications:** See report.  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400



## Consent Calendar

22. **Contract: Accela, Inc. for Software Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a maintenance Contract with Accela, Inc., for software maintenance for a total not to exceed \$299,710 July 1, 2023 to June 30, 2025.  
**Financial Implications:** Various Funds - \$299,710  
Contact: Kevin Fong, Information Technology, (510) 981-6500
23. **Contract: Delta Charter – Bus Transportation Services for Echo Lake Camp and Select Recreation Division Summer Programs**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Delta Charter to provide bus transportation services for Echo Lake Youth Camp and select Recreation Division summer programs for a not-to-exceed total amount of \$399,000 over a three-year period, beginning June 1, 2023 and ending June 1, 2026, contingent upon annual budget appropriations.  
**Financial Implications:** Various Funds - \$399,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
24. **Contract: Baldoni Construction Services, Inc. for Echo Lake Camp Accessibility Upgrades**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Echo Lake Camp Accessibility Upgrades project, Specification No. 23-11590-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, Baldoni Construction Service, Inc.; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Baldoni Construction Service, Inc., for the Echo Lake Camp Accessibility Upgrades project at 7 Echo Lakes Road, Echo Lake, CA 95721, in an amount not to exceed \$436,954, which includes a contract amount of \$364,128 and a 20% contingency in the amount of \$72,826.  
**Financial Implications:** Various Funds - \$436,954  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
25. **Referral Response: Security Assessment of the 1700 and 1600 Blocks of San Pablo Avenue**  
**From: City Manager**  
**Recommendation:** Close the original referral as the recommendations were completed by staff. The assessment did not indicate a need for further security improvements to the Berkeley Inn or immediate area at this time.  
**Financial Implications:** See report  
Contact: Jennifer Louis, Police, (510) 981-5900

## Consent Calendar

26. **Audit Status Reports: Fleet Replacement Fund Short Millions & Rocky Road: Berkeley Streets At Risk and Significantly Underfunded** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*  
**From: City Manager**  
**Recommendation:** See Policy Committee Recommendation  
*Policy Committee Recommendation: Send the item to City Council with a positive recommendation that Council:*  
1. Refer to the City Manager to establish a policy that the Public Works Department will be responsible for reviewing, submitting, and approving all departmental requests to Council for adding new vehicles to the fleet to facilitate maximum cost recovery through the vehicle replacement fund, consistency with fleet rightsizing studies, oversight, and timely electrification of the fleet.  
2. Refer to the Budget and Finance Committee to prioritize funding to the vehicle replacement fund to make up the shortfall over time in order to stabilize the fund.  
**Financial Implications:** See report  
Contact: Liam Garland, Public Works, (510) 981-6300
27. **Contract No. 10986 Amendment: Zero Waste Collaborative for the Solid Waste & Recycling Transfer Station Rebuild Feasibility Study**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10986 with Zero Waste Collaborative (ZWC) for the Solid Waste Transfer Station and Material Recovery Facility Replacement Feasibility Study (Study), to increase the contract by \$100,000 for a total not-to-exceed amount of \$600,000, and extend the current contract term through June 30, 2025.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300
28. **Purchase Order: 72 Hour, LLC, dba National Auto Fleet Group for Upfitting of Crime Scene Unit Cargo Van**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Sourcwell bid procedures and authorize the City Manager to execute a purchase order for upfitting the Transit 350 Low Roof XL Cargo van with 72 Hour LLC, dba National Auto Fleet Group, in an amount not to exceed \$164,000.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300
29. **Development of Artists Affordable Housing Certification Program**  
**From: Civic Arts Commission**  
**Recommendation:** Refer to the City Manager the further development of an Artists Affordable Housing Certification Program based upon the program guidelines developed and approved by the Civic Arts Commission in May 2022.  
**Financial Implications:** See report  
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

## Consent Calendar

30. **Recommendation on Climate, Building Electrification, and Sustainable Transportation Budget Priorities for Fiscal Year 2023 and 2024** *(Reviewed by the Budget & Finance Committee)*  
**From: Energy Commission**  
**Recommendation:** The Energy Commission recommends that the Berkeley City Council prioritize and include in the City's budget for the Fiscal Years Ending (FYE) 2023 and 2024 several staff positions, pilot projects, investments in electric vehicles and charging infrastructure, and other measures to ensure that the City's budget is aligned with and provides adequate and needed funding to implement the City's adopted Climate Action Plan, Electric Mobility Roadmap, Building Emissions Saving Ordinance, 2019 ban on gas in new construction, and the Existing Buildings Electrification Strategy.  
*Policy Committee Recommendation: No action was taken by the Budget & Finance Committee. Item is automatically returning to the Council agenda pursuant to the 120-day time limit for items referred to policy committees.*  
**Financial Implications:** See report  
Contact: Billi Romain, Commission Secretary, (510) 981-7400
31. **Contract: AppleOne Employment Services for Temporary Staffing Services**  
**\*\*\*Removed from the agenda by the Director of Police Accountability\*\*\***  
**From: Director of Police Accountability**  
Hansel Aguilar, Police Accountability Board, (510) 981-4960

## Council Consent Items

32. **Resolution to Support SB 532**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution in support of Senate Bill 532, introduced by Senator Scott Weiner and coauthored by Assembly Member Phil Ting, and send a copy of the Resolution to Governor Gavin Newsom, State Senators Nancy Skinner and Scott Weiner, and Assembly Members Buffy Wicks and Phil Ting.  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
33. **Addressing Hyundai and Kia Car Thefts**  
**From: Mayor Arreguin (Author)**  
**Recommendation:**  
1. Adopt a Resolution calling on Hyundai and Kia to take immediate action to fix the flaw in their vehicles that make them easy targets of car thefts.  
2. Direct the City Attorney to explore taking legal action against Hyundai and Kia.  
**Financial Implications:** Staff time  
Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Council Consent Items

34. **Contract: Badawi & Associates, Certified Public Accountants for Professional Auditing Services**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt a Resolution ratifying the Mayor's decision to select Badawi & Associates as the auditing firm to perform annual financial audits of the City's financial statements and perform annual compliance audits required by the Single Audit Act of 1984 (as amended in 1996), for the period of May 22, 2023 through June 30, 2026, in the amount of \$432,525 plus a contingency of \$50,000 for a total of \$482,525; and to authorize the execution of a three-year contract with Badawi & Associates, with an option to extend the contract for two additional years.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
35. **Budget Referral: Vision Zero Improvements at 6th & Addison Intersection**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Refer \$600,000 to the budget process for HAWK (High-intensity Activated crossWalk) beacons and a median refuge island at 6th and Addison Streets.  
**Financial Implications:** None  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
36. **Relinquishment of Council Office Budget Funds to the Berkeley Rotary Endowment and Co-Sponsorship of 2023 Taste of Downtown Berkeley Event Serving a Municipal Public Purpose**  
**From: Councilmember Harrison (Author)**  
**Recommendation:** Adopt a resolution approving the expenditure to grant Berkeley Rotary Endowment, a 501(c)(3) non-profit organization, \$500 for and co-sponsorship of the 2023 Taste of Downtown Berkeley Event Serving a Municipal Public Purpose, with funds relinquished to the City's general fund for this purpose from Councilmember Harrison's discretionary Council Office Budget Fund, and from any other Councilmembers who would like to contribute.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

## Council Consent Items

37. **FY 24 Budget Referral: Study to support Housing Element commitment to increase housing and enhance economic vitality on all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing** *(Reviewed by the Land Use, Housing, & Economic Development Committee)*

**From: Councilmember Hahn (Author), Councilmember Harrison (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**

**Recommendation:** Refer \$250,000 to the FY 2024 budget process to study and develop options for all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue, including but not limited to changes to zoning, incentives/programs/financing mechanisms, and objective design standards to:

1. Increase housing opportunities for people of all incomes, with an emphasis on housing affordable to households at or below 120% of Area Median Income (AMI);
2. Provide preferences to households previously excluded from residential areas served by these commercial corridors via discriminatory deed restrictions and/or discriminatory lending practices;
3. Provide housing with amenities for seniors, households with children, individuals with disabilities, artists, and other populations with specialized housing needs;
4. Ensure recommendations for zoning and design standards consider unique characteristics of each commercial area, including lot sizes and depths, availability of rear-access to parcels, abutting/neighborhood residential zoning standards, and any other unique characteristics of each commercial district and its surroundings;
5. Enhance the viability and avoid displacement of locally-owned and neighborhood-serving commercial uses both during construction and over the long term, including but not limited to studying potential temporary relocation of businesses during construction, "right to return" for existing establishments, appropriately-sized commercial spaces for locally owned businesses, and the potential for new commercial spaces to be offered at lower rents as a community benefit. Examples of neighborhood serving commercial uses may change as retail trends develop, but could include: grocery/food stores, banks, dry cleaning and shoe repair, hardware stores, wellness and hair salons, restaurants and cafes, fitness centers, and clothing and gift shops.
6. More generally, study potential ground floor uses to support locally-owned commerce, housing, and other potential uses, so long as they do not break necessary continuity of retail.

*Policy Committee Recommendation: to forward the item to Council with a positive recommendation that the City Council approve the item with the Author's updated subject line and recommendations as follows:*

**SUBJECT LINE**

*FY24 Budget Referral: Study to support Housing Element commitment to increase housing and enhance economic vitality on all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue.*

## Council Consent Items

### RECOMMENDATION

*Refer \$250,000 to the June 2024 budget process to study and develop options for all commercial corridors, with particular attention to the higher-resourced commercial avenues identified in Program 27 of the Housing Element, Solano Avenue, North Shattuck, and College Avenue, including but not limited to changes to zoning, incentives/programs/financing mechanisms, and objective design standards, to:*

- 1. Increase housing opportunities for people of all incomes, with an emphasis on housing affordable to households at or below 120% of Area Median Income (AMI);*
- 2. Provide preferences to households previously excluded from residential areas served by these commercial corridors via discriminatory deed restrictions and/or discriminatory lending practices;*
- 3. Provide housing with amenities for seniors, households with children, individuals with disabilities, artists, and other populations with specialized housing needs;*
- 4. Ensure recommendations for zoning and design standards consider unique characteristics of each commercial area, including lot sizes and depths, availability of rear-access to parcels, abutting/neighborhood residential zoning standards, and any other unique characteristics of each commercial district and its surroundings;*
- 5. Enhance the viability of locally-owned and neighborhood-serving commercial uses both during construction and over the long term, including potential reduced rents/right to return for existing establishments, appropriately-sized and accessible commercial spaces, and rent-controlled commercial spaces as a potential community benefit. Examples of such neighborhood serving commercial uses may change as retail trends develop, but could include: grocery/food stores, banks, dry cleaning and shoe repair, hardware stores, wellness and hair salons, restaurants and cafes, fitness centers, clothing and gift shops.*
- 6. More generally, study potential ground floor uses to support locally-owned commerce, housing, and other potential uses, so long as they do not break necessary continuity of retail.*

**Financial Implications:** See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

### 38. Support for H.R.603 - HEAL Act

**From: Councilmember Wengraf (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)**

**Recommendation:** Adopt a Resolution in support of H.R.603 (Gottheimer) - Holocaust Education and Antisemitism Lessons Act or the HEAL Act and send it to the author, Rep. Josh Gottheimer, with copies to Rep. Kathy Manning, Rep. Barbara Lee and Senator Dianne Feinstein.

**Financial Implications:** Staff time

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

## Council Consent Items

- 39. Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds for Pacific Center for Human Growth Fiftieth Anniversary Gala From: Councilmember Robinson (Author), Mayor Arreguin (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember, including \$1,000 from Councilmember Robinson, \$500 from Mayor Arreguin, and \$500 from Councilmember Taplin, to Pacific Center for Human Growth in recognition of its fiftieth anniversary celebration on June 3, 2023.

**Financial Implications:** See report

Rigel Robinson, Councilmember, District 7, (510) 981-7170

## Action Calendar

*The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

*The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

*Action items may be reordered at the discretion of the Chair with the consent of Council.*

## Action Calendar – Scheduled Public Comment Period

*During this public comment period, the Presiding Officer will open and close a comment period for each Action item on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters). The public may speak on each item. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.*

## Action Calendar – Public Hearings

*Staff shall introduce the public hearing item and present their comments. In certain hearings, this is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.*

*Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

*When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.*

## Action Calendar – Public Hearings

**40. ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP2022-0087**

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit # ZP2022-0087 to demolish a single-family dwelling and construct a three-story, 3,310 square foot single-family dwelling with a two-car garage, and dismiss the appeal.

**Financial Implications:** None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

**41. Fee Increase: Condominium Conversion Program Application Fee**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt a Resolution to increase the Condominium Conversion Program application fee by \$30 to \$310 per application, and the supplementary application fees for units currently rented by \$40 to \$420 per unit, and applications deferring the mitigation fee by \$95 to \$1,040 per unit.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**42. Fee Increase: Condominium Conversion Program Subordination Fee**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution to increase the \$364 Condominium Conversion Program subordination fee by \$35 to \$399.

**Financial Implications:** See report.

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**43. Fee Increase: Below Market Rate (BMR) Housing Monitoring Program**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt a Resolution to increase the annual \$432 per unit fee for the Below Market Rate (BMR) housing monitoring program by \$18 to \$450 per unit.

**Financial Implications:** See report.

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**44. Selected Marina Fee Increases**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select Marina fees; and rescinding Resolution No. 68,899-N.S. and all amendatory resolutions.

**Financial Implications:** See report.

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700



## Action Calendar – Public Hearings

### 45. Changes to Selected Parks and Recreation Fees

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select parks and recreation facility rentals; and rescinding Resolution No. 70,667-N.S. and all amendatory resolutions.

**Financial Implications:** See report.

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Action Calendar – New Business

### 46. Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS)

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the Surveillance Ordinance items related to Fixed Surveillance Cameras and Unmanned Aerial Systems (UAS).

**Financial Implications:** See report

Contact: Jennifer Louis, Police, (510) 981-5900

## Council Action Items

### 47. Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses

**From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor)**

**Recommendation:**

1. Adopt a temporary exemption (per 9.04.136(D)) on the collection of the taxes for all non-medical and medical cannabis businesses, retroactive to January 2023 and ending July 2025; Waive any late penalties that may have accrued since January 2023; any and all tax payments already made to the City for Q1 2023 will apply as a credit against a future tax or fee payment to the City; and
2. Refer to the City Manager and Cannabis Commission and/or its successor, the Planning Commission, to analyze and develop an ordinance adjusting local cannabis business tax rates by February 2025 that are in balance with the state cannabis tax rates, with an eye to the ability for the cannabis industry to become a sustainable economic driver for the City of Berkeley.
3. Licensed cannabis businesses in Berkeley will pay the business license tax that applies to their respective area of the market during the moratorium, like retail, manufacturing, etc.

**Financial Implications:** Loss of tax revenue

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

## Information Reports

48. **Audit Recommendation Status – 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale**  
**From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900
49. **Audit Recommendation Status - Data Analysis of the City of Berkeley's Police Response**  
**From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900
50. **Audit Recommendation Status - Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**  
**From: City Manager**  
Contact: Jennifer Louis, Police, (510) 981-5900

## Public Comment – Items Not Listed on the Agenda

## Adjournment

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at

<https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>

and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor  
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901  
Email: [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info)

Libraries: Main – 2090 Kittredge Street,  
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,  
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

#### COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 11, 2023.*

A handwritten signature in black ink, appearing to read 'Mark Numainville'.

Mark Numainville, City Clerk

## Communications

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).*

### **Item #40: ZAB Appeal: 469 Kentucky Avenue, Use Permit #ZP2022-0087**

1. Stephen Bedrick

### **Item 47: Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses**

2. High Fidelity Dispensary

## Encampments

3. Craig Nagasawa

## Asha Tea House Unhoused Individual

4. Diana Lui, on behalf of the Asha Tea House
5. Sergeant Kevin Kleppe, Berkeley Police Department

**Willard Clubhouse**

6. Kathryn Golden and Ashley James
7. Alexander Stec
8. Judith Bebbelaar
9. Mary Oram
10. Kinga Chomicz
11. Marcia Levenson
12. Sabina Tuleja
13. Cal Collier
14. Randolph and Frances Starn
15. Greenfire Law
16. Paul Tuleja
17. Patrick Kehoe
18. Maria Kiernik
19. Russ Greene
20. Roger Abraham and Maureen Crosgrove
21. Deborah Roosevelt
22. David Kellogg

**Crime in Berkeley**

23. Sheila Press
24. Dee Williams-Ridley, City Manager

**Berkeley Waterfront**

25. Roberta Wyn, on behalf of Citizens for East Shore Parks
26. Susan Schwartz
27. Friends of Five Creeks

**Golden Gate Fields**

28. Miriam Maxwell
29. Tweed Conrad
30. Christopher Kroll

**Reparations**

31. Mike Chang
32. George Torgun (2)

**Measure T1**

33. Eric Friedman

**Slavery**

34. Don Wrafter
35. Joseph Cruickshank

**Berkeley, a Smart City**

36. Helen Gallegos Evans

**AB 73: Idaho Stops for Bicyclists**

37. Leni Siegel

**City Hall Video**

38. Tracy Eaves

**Trash Bins**

39. John Rice

**Vision Zero Implementation**

40. Steve Lipson

**Racial Profiling**

41. Elana Auerbach

**Add Domestic Violence Back to Berkeley Police Department**

42. Mee345@

**Thank You from Kala**

43. Ellen Lake, on behalf of the Kala Art Institute

**Hopkins Corridor**

44. Ben Gerhardstein

45. Marguerite Lee

**Tenant Opportunity to Purchase Act (TOPA)**

46. Merle Lustig

47. Holly Scheider

48. John Holme

**U.A. Theater Demolition**

49. Hal Erickson

**ADU's in Berkeley**

50. Mark Gilligan

**Environment Justice, Policy and Sustainability**

51. Ken Noji

**1307 Dwight Way**

52. Kaufman Dolowich Voluch Law Firm

**RPP Permit Renewal**

53. Jack Kurzweil

**Wildfire Preparedness Week**

54. David Sprague, Fire Chief

**URL's Only**

55. Susan Nunes Fadley

56. Vivian Warkentin